

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY
(Includes reference to PCT International Applications)

FROMMER LAWRENCE & HAUG, LLP
File No.: 674506-2035.2

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural, names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED:

Apparatus and Methods for Producing and Using High-Density Cells and Products Therefrom

the specification of which:

- X is attached hereto
 was filed on _____ as:
 United States Application Serial No. _____
 as the National Phase of PCT Application No. _____
 with amendments through DATE EVEN HEREWITH (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a) - (d) or § 365 (b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT International application(s) designating at least one country other than the United State of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

<u>Country (or PCT)</u>	<u>Application Number:</u>	<u>Filed (Day/Month/Year)</u>	<u>Priority Claimed:</u>	<u>Yes</u>	<u>No</u>

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/162,354	29/10/99
60/118,816	2/5/99
(Application Number)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or § 365 (c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:
U.S. Serial No.: Filed (Day/Month/Year) PCT Application No. Status (patented, pending, abandoned)

I hereby appoint, Thomas J. Kowalski, Registration No. 32,147, and FROMMER LAWRENCE & HAUG, LLP or their duly appointed associates, my attorneys or agents, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and to insert the Serial Number of the application in the space provided above. And, I hereby specify that all communications about the application are to be directed to the following correspondence address

Thomas J. Kowalski, Esq.
c/o FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151
FAX (212) 588-0500

Direct all telephone calls to: (212) 588-0800
to the attention of:
Thomas J. Kowalski, Esq.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S):

Signature: _____ Date: _____

Full name of first inventor: GALE E. SMITH
Residence: **9 TURNBERRY ROAD, WALLINGFORD, CT 06492**
Citizenship: United States

Signature: _____ Date: _____

Full name of second inventor: JOHN KNELL
Residence: **26 SORRIES COURT, MERIDEN, CT 06451**
Citizenship: United States

Signature: _____ Date: _____

Full name of third inventor: ANDREI I. VOZNESENSKY
Residence: **15 SPRUCE LANE, WEST HARTFORD, CT 06107**
Citizenship: Russian, permanent United States Resident

Post Office Address(es) of inventors [if different from residence]:

NOTE: In order to qualify for reduced fees available to Small Entities, each inventor and any other individual or entity having rights to the invention must also sign an appropriate separate "Verified Statement (Declaration) Claiming [or Supporting a Claim by Another for] Small Entity Status" form [e.g. for Independent Inventor, Small Business Concern, Nonprofit Organization, Individual Non-Inventor].

Applicant or Patentee:

SMITH et al.

Serial or Patent No.:

NOT YET ASSIGNED

Filed or Issued:

HEREWITH

FROMMER LAWRENCE & HAUG, LLP

File No.: 674506-2035.2

Page 1 of 4

For: **APPARATUS AND METHODS OF PRODUCING AND USING HIGH-DENSITY CELLS AND PRODUCTS THEREFROM**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- the owner of the small business concern identified below:
- an officer of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN

PROTEIN SCIENCES CORPORATION

ADDRESS OF CONCERN

**1000 RESEARCH PARKWAY
MERIDEN, CT 06450**

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **APPARATUS AND METHODS OF PRODUCING AND USING HIGH-DENSITY CELLS AND PRODUCTS THEREFROM** by inventor(s) **GALE E. SMITH, JOHN KNELL, and ANDREI I. VOZNESENSKY** described in

- the specification filed herewith.
- application serial no. _____, filed _____.
- patent no. ___, issued ___.

Applicant or Patentee:

SMITH et al.

FROMMER LAWRENCE & HAUG, LLP

Serial or Patent No.:

NOT YET ASSIGNED

File No.: 674506-2035.2

Filed or Issued:

HEREWITH

Page 2 of 4

For: **APPARATUS AND METHODS OF PRODUCING AND USING HIGH-DENSITY CELLS AND PRODUCTS THEREFROM**

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

FULL
NAME _____

ADDRESS _____

INDIVIDUAL SMALL BUSINESS
CONCERN NONPROFIT
ORGANIZATION

FULL
NAME _____

ADDRESS _____

INDIVIDUAL SMALL BUSINESS
CONCERN NONPROFIT
ORGANIZATION

FULL
NAME _____

ADDRESS _____

INDIVIDUAL SMALL BUSINESS
CONCERN NONPROFIT
ORGANIZATION

Applicant or Patentee:

SMITH et al.

FROMMER LAWRENCE & HAUG, LLP

Serial or Patent No.:

NOT YET ASSIGNED

File No.: 674506-2035.2

Filed or Issued:

HEREWITH

Page 3 of 4

For: **APPARATUS AND METHODS OF PRODUCING AND USING HIGH-DENSITY CELLS AND PRODUCTS THEREFROM**

FULL

NAME

ADDRESS

INDIVIDUAL

SMALL BUSINESS
CONCERN

NONPROFIT
ORGANIZATION

FULL

NAME

ADDRESS

INDIVIDUAL

SMALL BUSINESS
CONCERN

NONPROFIT
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

Applicant or Patentee:

SMITH et al.

Serial or Patent No.:

NOT YET ASSIGNED

Filed or Issued:

HEREWITH

FROMMER LAWRENCE & HAUG, LLP

File No.: 674506-2035.2

Page 4 of 4

For: **APPARATUS AND METHODS OF PRODUCING AND USING HIGH-DENSITY CELLS AND PRODUCTS THEREFROM**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

DANIEL ADAMS

TITLE OF PERSON
(if other than owner)

PRESIDENT

ADDRESS OF PERSON SIGNING

1000 RESEARCH PARKWAY
MERIDEN, CT 06450

SIGNATURE _____ DATE _____